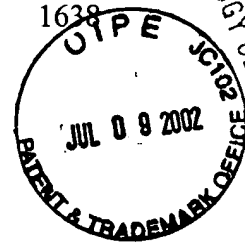


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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Cole et al.
Serial No. : 09/508,710
Filed : July 10, 2000
For : NEW PLANT GENES

Examiner: David H. Kruse
Group Art Unit: 1638



PRELIMINARY AMENDMENT

RECEIVED

July 9, 2002

By Express Mail No: ET346777386US
Box Patent Application
Assistant Commissioner of Patents
Washington D.C. 20231

JUL 17 2002

TECH CENTER 1600/2900

Sir:

Further to our response mailed June 4, 2002, please consider this preliminary amendment and the remarks made herein.

AMENDMENTS

IN THE CLAIMS

Please rewrite the claims as follows:

21. (Twice Amended) A method of obtaining a first-generation transgenic plant comprising:

(a) transforming a plant cell with the expression vector according to claim 11 to obtain a transformed plant cell, and

(b) regenerating the transformed plant cell to obtain a transgenic plant.

31. (Twice Amended) A vector comprising the nucleic acid construct according to claim 29 or 30.